

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 13-mc-51211
HON. GEORGE CARAM STEEH

MARLON ALLEN,

Defendant.

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ORDER OF DISMISSAL

This matter, entitled “Affidavit and Claim of Frederick E. Haynes, Jr.,” was filed on August 6, 2013. It was given the above-enumerated miscellaneous action number by the clerk’s office under the caption of a criminal case. In his affidavit, Mr. Haynes asserts ownership and possession of several firearms that were subject to forfeiture in the captioned criminal case, United States v. Allen, No. 12-20553. Mr. Haynes asserts that the firearms were gifted to him by defendant Allen and that he is therefore the rightful owner of the firearms and entitled to their return by the government.

As stated in this court’s order of February 11, 2013 in the Allen case, if no timely claims asserting a legal interest in the firearms were filed by third parties within 30 days of the final publication of the notice of the preliminary forfeiture order in this case, that order became the final order of forfeiture under Fed. R. Crim. P. 32.2(c)(2). That notice was published on the www.forfeiture.gov website daily from February 14, 2013 until March 15, 2013. Accordingly, the United States acquired clear title to the four firearms at issue here 30 days following the final publication of said notice, or approximately April 15, 2013. See

21 U.S.C. § 853(n)(2). Mr. Haynes' "affidavit and claim" is thus untimely and without merit.

The matter is hereby **DISMISSED**.

IT IS SO ORDERED.

Dated: August 21, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 21, 2013, by electronic and/or ordinary mail and also on Frederick E. Haynes, Jr., 2700 2nd Ct NW, Jasper, AL 35504.

s/Barbara Radke
Deputy Clerk